THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:16-02-2006

WRIT PETITION No.2580 OF 2006

BETWEEN:

D.Mallikarjun and another

…Petitioners.

And

The Commissioner, Municipal Corporation of Hyderabad, Office at Tank Bund, Hyderabad and others.

…Respondents

ORDER:

The petitioners seek to issue a writ of mandamus declaring the proposed action of the respondents 1 and 2 in entering the name of the third respondent in the Assessment Book in respect of property situated in Sy.No.14, ward No.6, Block No.3, T.S.No.75/P, situated at Yellareddyguda, Hyderabad over the property of the petitioners bearing Municipal No.8-3-903/3/A/4, Nagarjuna Nagar, Yellareddyguda, Hyderabad without considering the representation of the petitioners dated 7-1-2006 as illegal and arbitrary.

Heard the learned counsel appearing for the petitioners as well as the learned standing counsel appearing for the respondents.

It is stated that the father of the petitioners was the owner and possessor of the property bearing Municipal No.8-3-903/3/A/4, admeasuring 700 Sq.yards situated at Yellareddyguda, Hyderabad. After his death, the property was assessed in the name of their mother namely D.Suryavathi and she was also expired on 27-11-2005, leaving behind the petitioners alone as her legal representatives. It is further stated that the petitioners filed a suit in O.S.No.5988 of 2005 on the file of the V-Junior Civil Judge, City Civil Court, Hyderabad against the third respondent and the same is pending. The third respondent also filed a suit in O.S.No.5745 of 2005 on the file of the IV-Junior Civil Judge, City Civil Court, Hyderabad against the tenants of the petitioners and the same is also pending. It is also stated that different land grabbing cases have been filed against the petitioners, which were decided in their favour. It is further stated that the petitioners have filed a representation dated 7-1-2006 before the Deputy Commissioner, Circle-5, Municipal Corporation, Hyderabad-second respondent objecting to enter the name of the third respondent or any other person without giving them a reasonable opportunity. It is stated that without considering their representation, the respondents are taking steps to enter the name of the third respondent in the Property Tax Assessment Register.

Having regard to the facts and circumstances of the case, second respondent is directed to consider and dispose of the representation of the petitioners dated 7-1-2006 if any pending before him, after conducting enquiry and giving reasonable opportunity to the petitioners as well as the third respondent in accordance with law.

The writ petition is disposed of accordingly. No order as to costs.

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V.ESWARAIAH, J

Date: 16-02-2006.

Shr.